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III.—ADMINISTRATION OF JUSTICE.

692 The administration of justice in Ladák was truly patriarchal. When any one was injured or aggrieved, he proceeded straight to the *Gyalpo* or *Kahlon* of his district, or to the *Goba* of his village, and represented his case. An assembly of five, or of seven elders* of the community was then called to hear and to decide 692 upon the case. In the capital the proceedings were 694 conducted with the observance of more form. The complainant made his case known to the *Lonpo*, or mayor, who reported it to the *Kahlon*, or prime minister. The *Shakspon*, or chief justice, was then directed to assemble a regular court, composed either of five or of seven members, according to the importance of the case. The members were selected, as in the provinces, from amongst the *Gatpas*, or "elders;" but to them were joined two or more *Khrimpons*, or "sitting magistrates," whose duty it was to expound the *Yul-khrim*,† 695 that is, the "law of the land," or civil law. The *Shaks-* 696 *khang*,‡ or "court of justice," was opened and closed by the sounding of the *Khrim-dung*,§ or "trumpet of justice," and the sentence of the court (excepting in capital cases) was carried into execution without delay.

* *rGad-pa*, pronounced *Gatpa*, an "old man," an "elder." The number of members points to a common origin with the universal and still prevailing *Panchayet*, or "assembly of five," throughout India. Five must have been the ancient number, as even a single arbitrator or umpire is now called "*Panch*."

† *Yul-khrims*, "land-law." In Ladák this word is pronounced *Yul-khrim*, but in Great Tibet it is corrupted to *Yul-thim*.

‡ *Shags-khang*, "justice-hall."

§ *Khrims-dung*, "justice-trumpet;" there was also a *Khrims-rNga*, "justice-drum."

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The punishments were few in kind, being only stripes, fines, and imprisonment, and in extreme cases, banishment or death; but they were numerous in degree, apportioned to the amount of guilt. The punishment of death was seldom awarded, and still more rarely executed. In cases of sacrilege, such as spoliation of temples, or in horrible cases of murder, the criminals were either crucified, or thrown into the Indus, bound hand and foot and weighted with stones. But the more usual punishment for murder was banishment, or rather ignominious expulsion from society, preceded by stripes and branding, and accompanied by every indignity that could be imagined by the ingenious malice of men, or that could be perpetrated by the elaborate mischief of boys. The brand was made of iron, and was about one inch in length. It bore a dog's head, with the inscription, "dog-marked—expelled." Thus after being well flogged and branded, the unfortunate criminal was drummed out of society, followed by hooting crowds,* who pelted him with stones and dirt.

For the murder of a child, a woman was sentenced to the loss of one hand, and to expulsion with the same indignities as above.

In cases of killing in a scuffle, the custom of Great Tibet was to bind the homicide to the corpse, and at the end of twenty-four hours to cast the living and dead together into the river. I did not hear of this custom in Ladák; but as commutation of punishment is almost

* The expression used by my informant was *ho-ho*, that is, the man was *ho-ho-ed*, or hooted. The brand of a dog was also used in Kashmir as a mark of disgrace at least nine hundred years ago. In the *Raja Taringini* it is related that Reja Saugráme, in A.D. 948, punished the Brahman Chakramela by marking his forehead with the "paw of a dog" (*Swapádena*).

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696 always procurable for money, it is probable that the sentence of the law may have been death, although in practice the culprit was permitted to compromise by stripes, imprisonment, and fine. Such a course was in strict keeping with the precepts of their religion, which is averse to the taking of any animal life.

681 The two modes of capital punishment were *drowning*
696 and *crucifixion*. In the former the culprit was bound hand and foot, and thrown into the Indus with a stone fastened to his neck.* In the latter mode the criminal was conducted to the *Songsa*, or "place of execution," by the *Shetma*, or "executioner." The *Sal-shing*,† or "crucifix," was a St. Andrew's cross fixed to an upright stake. The culprit was stripped naked; his hands and feet were bound to the extremities of the cross, while his head was secured to the upright stake by his own hair. In this position he was either quickly tortured to death by boiling oil, or was slowly allowed to expire under all
[784] the agonies of thirst and physical suffering. It is worthy of notice that in both of these modes of capital punishment, the shedding of blood was studiously shunned; for the sentence of crucifixion was carried out by *binding*, instead of nailing, the criminal to the cross. I presume, therefore, that there must have been some religious repugnance to putting a culprit to death by any mode that involved the shedding of blood. Mutilation of one or of both hands was, however, occasionally employed.

* Fra Orazio, p. 291. The same punishment was carried into effect in the same manner in Great Tibet. The culprit was "getta al fiume con un gran sasso al collo."

† *gSal-shing*, "clear wood." For what reason such a name was given to the stake, it would perhaps be difficult to discover. Perhaps it was intended for the tree that *cleanses* from guilt.

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For *Theft* and other crimes, the punishment (*chhad-pa*) was threefold: 1st. *Lús-chhad*, that is, "corporal punishment," or stripes; 2nd. *Nor-chhad*, "property punishment," or fine, which was nearly always taken in goods at a ruinous valuation; 3rd. *Tson-chhad*, "prison-punishment," or imprisonment. 685

The corporal punishment was the same for man and woman. The culprit was placed full-length on the ground, and received the awarded number of stripes on the bare posteriors. This punishment, however, could always be avoided by the payment of a commensurate fine. The punishment by fine was always enforced, except in cases of poverty and absolute inability; but the culprits were made to pay in person by a double amount of stripes for what they were unable to pay in money or in goods. 685 696

In cases of imprisonment the culprits were confined in the *Tson-khang*, or jail, secured with fetters (*skrog*), and superintended by the *Tson-dsi*, or jailer. Theoretically food was allowed during the term of imprisonment; but practically, both in the provinces and in the capital, the prisoners' friends were obliged to supply food to save them from starvation.

In cases of common theft, the stolen property, if recovered, was restored to its owner, and a fine, equal in value to the amount of the stolen goods, was levied on the thief for the benefit of the state. If the property was not recovered, a double fine was levied, one half being given to the robbed party, and the other half to the government. This was the punishment for a first offence. For a second offence the sentence was loss of the left hand; for a third offence, loss of the right hand; 685